

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 SCI-06 COA-02 CIAE-00 INR-10 NSAE-00 PA-03

PRS-01 USIA-15 OIC-04 H-03 ACDA-19 AEC-11 AGR-20 CG-00

COME-00 DOTE-00 FMC-04 INT-08 JUSE-00 NSF-04 OMB-01

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SUBJ: WG3, SC-III SCIENTIFIC RESEARCH 2 AUGUST

1. WG-3, SC-III SCIENTIFIC RESEARCH (SR) CONTINUED WORK ON ITEM 1.3 AND CHAIRMAN INVITED DISCUSSION ON ALL ASPECTS OF RIGHTS TO UNDERTAKE SR, INCLUDING JURISDICTION. FRANCE IMMEDIATELY REFERRED TO QUESTION OF CONSENT AND NOTED TWO APPROACHES: (A) US ART 7, WHICH WAS DESCRIBED AS NOTIFICATION REGIME, AND (B) OTHER PROPOSALS INVOLVING CONSENT. FRANCE URGED CLARIFICATION OF THESE PRINCIPLES AND SUGGESTED DIFFERENCES MAY BE MORE FORM THAN SUBSTANCE. FRENCH DELOFF ALSO CITED PROBLEM OF SCOPE AND STATED THERE WAS NO DIFFERENCES IN PROPOSALS ON SR IN TERRITORIAL WATERS BUT DIFFERENCES EXIST IN AREAS BEYOND. THEREFORE, SINCE WORK ON SR DEPENDENT ON DECISIONS ON AREAS OF PARTIAL JURISDICTION TO BE MADE IN OTHER COMITES, FRANCE URGES FLEXIBILITY, USE OF BLANKS AND FOOTNOTES, AND PRESSING ON.

2. SOVS ATTACKED PREJUDGMENT OF SC-II WORK AND SPECI-
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FICALLY ARTICLE 7 OF US PROPOSAL WHICH ASSUMES SPECIAL

ZONE OF JURISDICTION THAT HAS NOT BEEN DECIDED.

3. US (AMB MCKERNAN) RESPONDED TO BOTH NOTING ALL PROPOSALS SOUGHT TO PROTECT COASTAL STATE RIGHTS BUT DIFFER IN METHOD. WORKING FROM PREMISES THAT SR BENEFITS ALL, AND BEST WAY OF BALANCING RIGHTS OF COASTAL STATES WITH THOSE OF INTERNATIONAL COMMUNITY IN THIS CONCEPT WAS BY CITING OBLIGATIONS, MCKERNAN DELIVERED DETAILED STEP-BY-STEP EXPLANATION OF US ARTICLE 7.

4. BRAZIL SAW NO SIMILARITY OF CONSENT AND NOTIFICATION AND EXPRESSED SUPPORT OF LA POSITION OVER US. MEXICO SUGGESTED PROVISION ALLOWING COASTAL STATE CANCELLATION OF CONSENT FOR CONDUCT OF SR IN WATERS OF NATIONAL JURISDICTION IF RIGHTS OF COASTAL STATE THREATENED. ARGENTINA CITED NEED CONSIDER TWO ZONES: TERRITORIAL WATERS AND BEYOND, SINCE DOING MORE PREJUDGES WORK IN SC-II. NOTIFICATION AND CONSENT ARE DIFFERENT; CONSENT NECESSARY IN TERRITORIAL WATERS AND BEYOND; AND SILENCE IS NOT CONSENT.

5. T&T DELOFF SUPPORTED MEXICO, ARGENTINA, AND BRAZIL. COMMENTING ON US ARTICLE 7(A) AND (E), STATED NOTIFICATION IS INSUFFICIENT AND RESULTS OF SR SHOULD BE PUBLISHED W/O CONSENT OF COASTAL STATE. TANZANIA REFERRED AGAIN TO PREJUDGING WORK IN SC-II AND URGED NEUTRAL FORMULA FOR REFERRING TO THE AREAS AND SUPPORTED CONSENT REGIME. VENEZUELA STATED INAPPROPRIATENESS OF ADDRESSING RULES IN TERRITORIAL WATERS WHICH ARE SOVEREIGN, SUPPORTED NEED REDUCE OBSTACLES TO SR TO FOSTER INTERESTS OF INTERNATIONAL COMMUNITY. VENEZUELA, WHILE SYMPATHETIC WITH US ARTICLES, BELIEVED CONSENT AND REGULATION SR REQUIRED.

6. UKRAINE AND BULGARIA REINFORCED SOVS ON DANGERS IN PREJUDGING SC-II WORK AND URGED WG USE SOV TEXT WHICH USES TERMS GENERALLY AGREED UPON.

7. AUSTRALIA STATED CONSENT OF COASTAL STATE IN TERRITORIAL WATERS ABSOLUTE AND SHOULD NOT BE LIMITED TO TERRITORIAL SEA. PROVISION MUST BE MADE FOR CONSENT

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IN ECONOMIC ZONE YET LIMITING ARBITRARY COASTAL STATE ACTION TO WITHHOLD CONSENT, CITING, FOR EXAMPLE, SAFETY OF LIFE AND POLLUTION. WITH RESPECT T&T PROPOSAL FOR CONSENT BEFORE PUBLICATION, AUSTRALIA FOUND THIS WENT TOO FAR IN PROTECTING COASTAL STATES AND PUBLICATION IS ONE WAY INSURE SR NOT COMMERCIALY ORIENTED. BELGIUM URGED WG CONSIDER ONLY CONCEPTS OF HIGH SEAS AND TERRITORIAL WATERS AND DEFER CONSIDERATION OTHER

ZONES. IN TERRITORIAL WATERS COASTAL STATE CONSENT IS CLEAR RIGHT; IN HIGH SEAS, FREEDOM OF SR MAY HAVE CONSIDER NEW TERMS SUCH AS "COMMON HERITAGE." CARRYING WITH IT REGULATION OF RESEARCH.

8. PERU DISPUTED SOVS ON TERMINOLOGY NOTING THEIR USE OF "SOVEREIGNTY AND JURISDICTION" AND AVOIDANCE OF "TERRITORIAL WATERS" SINCE LATTER IS AN OBSOLETE TERM. BEST TO HAVE COMMON TERMS BUT THIS DOES NOT APPEAR POSSIBLE AND PERU NOT BOUND BY TERMS USED BY SOME STATES--MOSTLY DC'S. MORE APPROPRIATE CITE RIGHT TO CONDUCT SR ON HIGH SEAS THAN "FREEDOM" IF THAT TERM MEANS ABSOLUTE FREEDOM. REFERRING TO US TEXT, PERU NOTED THAT WHILE SCIENTIFIC COMMUNITY MAY BE WELL INTENTIONED, ITS WORK MAY STILL BE IMPROPERLY USED BY OTHERS. REFERRED TO US TRADITION OF SR BUT INDICATED US OBJECTIVES MAY NOT BE SAME AS OTHERS. PERU BELIEVED US PROPOSAL COULD BE USED AS BASIS FOR DISCUSSION.

9. FRANCE NOTED DIFFICULTIES REGARDING TERMINOLOGY AND URGED USE OF "NATIONAL JURISDICTION" WITH FOOTNOTE INDICATING THAT USE OF TERM SUBJECT TO WORK IN OTHER FORA. FRANCE PREFERS CONSENT OVER NOTIFICATION BUT CONSENT SHOULD NOT BE REFUSED IN ARBITRARY FASHION AND SHOULD BE UNDERSTOOD THAT STATES SHOULD GIVE CONSENT.

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